



# John McCoy

State Representative

38<sup>th</sup> Legislative District

## Reports From the Capital

### Committees:

Technology, Energy &  
Communications, Chair  
Agriculture & Natural Resources  
Human Services

### District office:

2812 Lombard Ave., Room 303  
Everett WA 98201  
E-mail: [mccoy.john@leg.wa.gov](mailto:mccoy.john@leg.wa.gov)  
Website: [www.housedemocrats.wa.gov/members/mccoy](http://www.housedemocrats.wa.gov/members/mccoy)

### Phone:

(425) 257-1769

### Toll-free Hotline:

1-800-562-6000

### Hearing-impaired

### Hotline:

1-800-635-9993

Spring 2008

Dear Neighbor:

The books are closed on the 2008 session down in our state capital. As always, I want to emphasize what a terrific honor it is to represent you and other citizens of our Everett, Marysville, and Tulalip communities.

My *Reports From the Capital* today reviews the biggest topics on our legislative agenda the past couple months. Many different district and statewide matters are covered in the pages here. These topics kept most of my attention, and I believe they are among the things that 38th District people and other Washingtonians care most about.

Many of you have met or at least talked on the phone with Lacey Homchick, my legislative assistant. Believe me, we're both glad to be back home full time in Snohomish County! Lacey and I want to know what you think about your state government.

Please don't ever hesitate to tell us what you're thinking!

All the best,

**John McCoy**

State Representative  
38th Legislative District

## **Budget basics: Standing up to the potentially rough times in our state's near future**

*We approved the supplemental operating budget in the final hours of the 2008 legislative session. You might call it a hold-the-line, maintenance-level budget. What I mean is, we responded as best as we could to the troubling downturn in the world, national and regional economy.*

As you might recall, the most recent revenue forecast came out about a month ago. The forecast estimated a revenue-shortfall of hundreds of millions of dollars simply to pay for essential programs and services. These programs and services were laid out in the original budget that we wrote in the 2007 session. And another forecast, the caseload-forecast, predicted an unexpectedly larger student-demand for education-funding and citizen-demand for assistance for men, women and children in need.

The potential budget shortfall is the gap in revenue between what is spelled out in the original budget – and what is available in the extra funds that we need to pay for that original figure. Our mid-March budget compromise addresses the projected shortfall, as well as the unforeseen demands.

The supplemental budget, which includes \$834.8 million in total reserves, funds a 3.9 percent cost-of-living adjustment for teachers in the 2009 school year. We also maintain the dollars needed to move toward full, all-day kindergarten. And we invest money for affordable housing, disaster-relief, and substance-abuse and mental-health treatment – among other areas.

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Session**

Health care is certainly another significant part of the new budget. We invested more money to helping businesses provide health care for their low-income workers. We also bolstered funding for mental-health programs, and programs involving nursing homes and alternatives for long-term care.

As for the supplemental *capital* budget, we added \$302,000 for work at the Cliff Bailey Center – a very important community-resource for Everett and for all of Snohomish County.

Broadband: Bridging the ‘digital divide’ between folks with access – and those without

*I have been honored this legislative session to take a new committee-leadership position. As chair of the House Technology, Energy & Communications Committee, I have presided over a good many discussions related to the cutting-edge, high-tech challenges before us in this new 21st century. As I see it, no challenge before us is as crucial as bringing high-speed Internet access to as many citizens as realistically possible.*

A successful Senate proposal this year calls for the creation of a work group to develop a high-speed Internet deployment and adoption strategy by December 1, 2008. (I sponsored the House version of the bill.) The state Department of Information Services will publish – by January 1 of 2009 – a Web directory of public facilities that provide community technology programs.

This is a very large legislative priority. It means good-paying jobs. And it creates the strong educational system we need to launch lasting, high-quality economic development.

What we’re emphasizing here is very straightforward. We want to bridge the “digital divide” between the communities that have broadband access and those that don’t. Make no mistake: Broadband access is a major driver of economic development. The problem? In the access “standings,” our country has fallen from the world’s top five to 15th. *Fifteenth!* Unacceptable.

Surprisingly, and very distressingly, there is better and cheaper Internet access in many other countries. Hence, this bill is an important and highly needed step toward getting a good handle on which parts of our state are unserved or underserved.

It is important for our Washington economy that we establish a systematic and strategic approach for broadband development.



We need strong broadband access to provide the educational opportunities needed to compete for – and win – economic growth in this new century.

Energy: Joint committee searches for good cost-savings for all of our Washington citizens

*I was also honored this year to be elected to head up a House-Senate legislative panel charged with finding strategies to stretch Washington’s energy dollar. The Joint Committee on Energy Supply and Energy Conservation was created several years ago to put the lessons of wise energy-usage to work at all levels of government.*

Our panel conducts an ongoing investigation into matters related to our state and regional energy supply. We work to get to the bottom of an energy-supply alert and other energy-emergencies.

You don’t need a fancy Wall Street title to know that our way of economic life depends to a huge extent on a reliable, affordable power supply. We need it for our individual citizens, and we need it to recruit and retain good jobs for our entire population. Along these very lines, the joint committee works to establish genuine energy-conservation savings, not to mention maintenance and cost savings for state and local governments – as well as cost savings for the state economy as a whole.

Utility poles: Access is very important in keeping rates as affordable as possible

*One of the legislative measures I sponsored this session spells out the manner in which pole-attachment rates must be calculated for utility poles owned or controlled by a public utility district (PUD). Yes, pole owners should certainly be able to recover their costs. And yes, too, we should make sure that a ratepayer’s power bills are kept as low as possible.*

For the most part, gaining access to potential customers requires telecommunications service-providers to use poles, ducts, conduits, or rights-of-way that are possessed either by a competitor in the field of providing some type of utility service – or by a government entity. That’s just the reality of the situation.

It was in our neighbor to the south, in Oregon, where problems over pole-attachment rates first came up. The serious issue for some folks is that the American Public Power Association formula for pole-attachment rates is very problematic. They feel that the association’s rate-formula is too favorable to the pole owner.

I maintain that future disputes could be avoided if we set up a

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consistent formula for pole-attachment rates. Right now, according to committee-testimony on the matter, it can be difficult to negotiate with a locally regulated utility because there isn’t a level playing field in this area of the law.

According to current law, an investor-owned utility is subject to review by the state Utilities & Transportation Commission for pole attachment rates. But since 1979, only one dispute has actually gone to the commission. That’s why we need this bill.

Tribal police: It’s all about equal, dependable protection in state, federal law

*Every year, only a handful of bills we send out of Olympia can make the following claim: It took months of real give-and-take to hammer out a compromise that every side of this particular issue could ultimately support. But such is exactly the case with this next measure. I’m talking about legislation regarding the authority of certified tribal police regarding the enforcement of the laws of our land.*

You bet I’m biased for this bill. I believe it shows true collaboration and compromise from every one of the stakeholders. Many very involved law-enforcement folks and other citizens worked for months to write this new state policy. Importantly, this new standard is supported by members of the Snohomish County law-enforcement community, as well as the Washington Association of Sheriffs and Police Chiefs.

The legislation simply makes it possible for certified tribal police officers to serve and act as general-authority Washington state police officers on the reservation where the officers are employed. These certified tribal officers will be authorized to enforce the criminal and traffic laws of Washington and the United States.

Sadly and unfortunately on many reservations, Indian and non-Indian residents live with some of the highest crime rates in our country.

An overwhelming majority of crimes committed against Indians are committed by non-Indians. Non-Indians are the perpetrators of violent crime against Indians in from 60 to 90 percent of the



*I joined in House floor discussion on a number of legislative matters during the 2008 Session.*

cases. Indians suffer as victims of violent crime at a rate two and a half times the national average. And the perpetrators are people over whom tribal police have had no jurisdiction.

Here’s the way it was in the past: When a serious felony was committed on the reservation by a non-Indian and a suspect was detained by a tribal police officer, the tribal officer was forced to wait for the arrival of a sheriff’s deputy. Consequently, the tribal officer was then unavailable to respond to other calls for police assistance on the reservation.

Tribal police departments have standard, 14-week field-training programs for their officers.

The tribal departments that have their officers certified and commissioned under this bill will have supervisory personnel and field-training officers who are also certified and commissioned and who can accomplish effective field training. Tribes have worked with the state Office of Financial Management to demonstrate their commitment to retaining adequate liability insurance. Also, tribal police departments will waive any defense of immunity for torts committed by Indian police against non-Indians.



## Reports From the Capital

### **Human remains: Here's a public policy that comes down to simple human decency, respect**

*The idea underscored in another measure I sponsored this session emphasizes commonsense notification requirements when unforeseen incidents arise. I'm talking about the inadvertent discovery of skeletal human remains. Perhaps you recall reading or hearing of the incident last summer when human remains were accidentally uncovered during a property-development project near Port Townsend.*

I believe our society has a duty to honor the memory of the human being whose remains are found in such an instance.

No more, no less. We have a duty to honor the family of any man or woman or child whose remains are uncovered.

My bill allows the state Department of Archeology and Historic Preservation to meet a basic duty. It allows the department to

account for people who were buried before statehood – and on forward to more modern times. Terms of the proposal direct the department to develop a centralized database of all known cemeteries and known sites of burials of human remains.

To be sure, this policy involves pioneer cemeteries, as well as Indian burial sites. The bill specifically provides equal protection for all graves.

We want to remove the burden and expense for private landowners when their development accidentally uncovers protected skeletal remains. Individuals who inadvertently discover remains will be held harmless from criminal and civil liability – just so long as they act in good faith and follow the letter of the law.

**Again, people from various stakeholder groups joined people from many Washington tribes to write this measure. Former Secretary of State Ralph Munro and one of the Jefferson County commissioners spoke up for the bill in committee.**

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Capital

Representative  
**John McCoy**  
P.O. Box 40600  
Olympia WA 98504-0600

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